Dkt.2094/67722-A/JPW/FHB

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Paz Einat et al.

Serial No.

10/618,408

Filed

July 11, 2003

For

WWP1 AND USES THEREOF

1185 Avenue of the Americas New York, New York 10036

November 14, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(c)

Quark Biotech, Inc., the assignee, submits herewith a Verified Statement (Declaration) Claiming Small Entity Status Under 37 §1.9(f) and §1.27(c) as **Exhibit 1**. This Verified Statement is signed by Judith Abrahams, the authorized official of the assignee of record, Quark Biotech, Inc.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313, 1450

No. 28,678

White John P.

Registration No. 28,678 Attorney for Applicants Cooper & Dunham LLP

1185 Avenue of the Americas New York, New York 10036

(212) 278-0400

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and instruction	Patentee: Paz Einat et al.	Attorney's
Serial or Pate	ent No.: 10/618,408	Docket No.: 67722-A/JPW/FHI
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Title of Inver	ntion or Patent: WWP1 AND USES T	HEREOF
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	VERIFIED STATEMENT (DECLARA	ATION) CLAIMING
7 8	SMALL ENTITY STATUS UNDER 3	7 C.F.R. \$1.9(f)
) ` §	AND \$1.27(C) - SMALL BUS	INESS CONCERN
TENT & Freby decla	are that I am:	
, 		
. the	owner of the small business conce	ern identified below.
		1
X and	official of the small business concern identified below:	ern empowered to act on behalf of the
Concel	rn: Quark Biotech, Inc.	
address of Cor	ncern: 10265 Carnegie Avenue	
Address of Co.	Cleveland, Ohio 44106	
		11 business concern qualifies as a
that the number not exceed five number of emplifical year, part-time, or concerns are concern controls or harmonic exceptions or harmonic	e hundred (500) persons. For purpo oyees of the business concern is t of the persons employed by the temporary basis during each pa affiliates of each other when, e ols or has power to control the as power to control both.	der 35 U.S.C. \$41(a) and \$41(b), in luding those of its affiliates, does oses of this verified statement, the he average number, over the previous business concern on a full-time, by period of the fiscal year, and either directly or indirectly, one other, or a third party or parties law have been conveyed to and remain bove with regard to the invention
with the smal entitled	1 business concern identified a	bove with regions of
•	USES THEREOF	
described in:		
X applica patent	no 1sseed	July 11, 2003
If the rights each individual below and no inventor, who	held by the above identified small al, concern or organization having rights to the invention are h	business concern are not exclusive, g rights to the invention is listed seld by any person, other than the tinventor under 37 C.F.R. \$1.9(c),
Name:		
Address:		
	ividual Small Business Conce	Nonprofit Organization
Indi	ividual Small Business Conce	III Houletone or James

^aNOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

- (c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.
- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title
 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit For the purpose of this section concerns are. organization under this section. affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of th type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

Small Entity/Small Business Concern Page -2-

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Title In Organization:	Judith Abrahams, Ph.D. Vice President, Intellectual Property	_
-ddress:	The Shaker	_
Signature: Date Of Signature:	Juan 11/2005	_

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.